

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 2, 2005

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Brizzi and Commissioner Sturtz. Also in attendance were Industry Liaison Okey and Executive Secretary Choe.

Lisa Goldner of Bose McKinney and Evans, Pam Ferguson of WSWI, Debbie Scott of IABR and Rich Schwimmer of NWS were present as observers.

DISPOSITION OF MINUTES

Vice Chairperson Brizzi moved to approve the minutes submitted for the July 19, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Vice Chairperson Brizzi moved to approve the PAD forms submitted for the August 2, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Two hundred ninety-eight (298) renewals approved, forty-eight (48) new and/or transfer permits approved, nine (9) permits approved for catering, three (3) permits approved for first year escrow and one (1) permit approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairperson Brizzi moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR47-19844 & RR47-18769 BRISAS DEL SOL, INC. – Chairman Heath noted the applicant requests that this be remanded to the local board.

Vice Chairperson Brizzi moved to remand this application to the local board. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL59-97209 WAL-MART STORES EAST LP – Chairman Heath noted this is a type 115 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR64-21915 & RR64-21916 THE OTHER GOOD PLACE, LLC – Chairman Heath noted the applicant is requesting permission to file for a new type 103 permit and a new type 210-1 permit simultaneously.

Vice Chairperson Brizzi moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR64-21917 & RR64-21918 THE VILLAGE TAP, LLC – Chairman Heath noted the applicant is requesting permission to file for a new type 112 permit and a new type 210-1 permit simultaneously.

Vice Chairperson Brizzi moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR04-05275 ARNOLD GILBERT – Chairman Heath noted this application was denied and the applicant filed an appeal. The applicant is requesting permission to file the paperwork to transfer the ownership of this license.

Vice Chairperson Brizzi moved to deny this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-18584 JK ROYALTY, INC., D/B/A KELLY'S PUB – Chairman Heath noted this application was denied and the applicant filed an appeal. The applicant is requesting permission to file the paperwork to transfer the ownership of this license.

Vice Chairperson Brizzi moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Chairman Heath stated there are forty-six (46) permits to be made inactive. Thirty-seven (37) permits are not subject to auction and nine (9) permits are subject to auction.

Vice Chairperson Brizzi moved to make these permits inactive. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

DL06-21727 KROGER LIMITED PARTNERSHIP I, DL04-21626 SHAROB, INC., RH02-20367 COLISEUM INN, INC., RR49-09161 ROBERT L. ANDERSON & GEORGE W. ANDERSON, DL68-021627 WAL-MART STORES EAST LP – Chairman Heath noted appeals were filed.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Adviseament

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairperson Brizzi and it was unanimously approved.

Approved this _____ day of _____, 2005.

DAVE HEATH, CHAIRMAN

MELANIE BRIZZI, VICE CHAIRPERSON

DALE STURTZ, COMMISSIONER